

Minutes of a Regular Board Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, October 4, 1988 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman
Denise Civiletti, Councilwoman

Also Present: Irene J. Pendzick, Town Clerk

Absent: Patricia Moore, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Supervisor Janoski, "The department heads are present should you have any question of them."

Councilwoman Civiletti offered the following resolution which was seconded by Councilman Pike.

RESOLVED, that the Minutes of Regular Board meetings held on September 6 and September 20, 1988 are hereby dispensed with and approved without objection.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Reports Mrs. Pendzick."

REPORTS

Wading River Fire Dept.-1989 Budget.

Filed

MacAlpert Bank & Co.-Annual Financial Report for 1987.

Filed

Supervisor's Office-1989 Tentative Budget.

Filed

Building Department-Month of September, 1988.

Filed

Town Clerk's Office-Month of September, 1988.

Filed

OPEN BID REPORT - Liquid Calcium Chloride-Highway.

Filed

Bid Date: October 3, 1988

1 Bid Submitted

#1 NAME: James Reed Sales, Inc.

ADDRESS: Box 130, Grahamsville, NY

TOTAL BID: \$0.75 per gallon

Supervisor Janoski, "Thank you. Applications."

APPLICATIONS & PETITIONS

Mill Pond Commons-Response to comments for the D.E.I.S. File

Petition-Joseph Fuchs request for water extension. File

Special Permit-Antonio Militello to build 5-story office building on Peconic Avenue. File

Bazaar Permit-Robert O'Rourke, Sr. for auto parts swap meet at Riverhead Raceway.

Supervisor Janoski, "Thank you. Correspondence."

CORRESPONDENCE

S.C. Dept. of Planning, 9/23/88-If no objection re: Brookhaven amendments to Section 85-1 and article XIX(A) received by 10/31/88, it will be assumed there are none. File

Gregory Blass, 9/21/88-Copies of letters sent to various agencies re: expansion of Wading River jetty. File

Mrs. Sallie Hayes, 9/19/88-Reporting dirty sidewalk by Lentin's. File

Allen Smith, 9/22/88-Copy of letter to Deputy County Attorney requesting a response. File

H2M, 9/22/88-regarding the bid for West Lane Partnership Water Extension. File

Chaplain Sgt. Russo, 9/30/88-Request permission to conduct Gospel concert and distribute food and clothing at Grangebel Park. File

Jack Van DeWetering, 9/30/88-Requests that steps to alleviate understaffing in area of State Police be taken. File

A.W. and Harriet Brophy, 10/3/88-Requests denial of application of Long Lake Cogeneration Co. File

Stanley Hagler, 9/26/88-Copy of letter to Chamber of Commerce requesting support for "Business Improvement District". File

S.C. Dept. of Planning, 9/30/88-Advises that buses will use County Center for layovers commencing 10/10/88. File

Jamesport Civic Assoc., 10/2/88-Advises of deteriorating condition of Jamesport Community Center and requests repairs. File

Lions Club, 10/1/88-An invitation to the Annual Parade. File

Supervisor Janoski, "I responded today, John. The scheduled time for the first public hearing has not yet arrived. I would recognize anyone who wishes to be heard on any subject or anything on the agenda this evening. Steve."

Steve Haizlip, Calverton, "On the 6th of September, I stated that correspondence about the D.M.V. was sent to Senator LaValle and no reply received. I have later learned of an 8 by 10 envelope addressed to 1779 Middle Country Road, Centereach was sent to Albany. How this could have happened is something of our modern post office system in operation. So in the mix up of the communications, Albany New York became Centereach, New York. I know I should stick with the LaValle issue but I want to deviate for one moment to say that I also have problems with all the elected and appointed personnel in Albany, Washington and Suffolk County with correspondence to correspondence including our famous high-spirited Senator, Mr. Moynihan. And also, there were prior occasions that Senator LaValle's Office no reply came forth. After telecon inquiry to the new secretary, he prompted his reply by telecon. I think that is the September 6th Town Hall meeting statement, I now have his office's full attention. I feel no criticism was intentional or intended. It's just that I have had so many experiences in correspondence to politicians and no replies, and if Mr. LaValle feels offended as per his c.c. letter to me, I did not mean it that way. I consider it speaking out and it seems that once I speak out, they're the names of gaslighters or the names of nuisance. And the one that does something and gets into controversy is the ones that doesn't do anything and don't get any controversy is the ones that do nothing and won't get into controversy without involvement. Nothing gets done with those type. So you get pushed around so you will be there right now as of my action, Mr. LaValle is introducing legislation to or against the D.M.V. report of Judge Jason and that is a good start of my involvement. And I thank Mr. LaValle and I thank the Town Board for allowing me to read this in public. Thank you."

Supervisor Janoski, "Thank you Steve."

Steve Haizlip, "Now, do we got time for one more short one? The tax certiar case of the Bernstein brothers against Riverhead township. When I read it in the News Review that the court decision was delivered to the Tax Assessors Office instead of the town top executive administrator and financial officer which is the Supervisor, it was this office and Town Board that hired those two attorneys. I feel that the decision should have been delivered to the Supervisor and copies to each four Town Councilpeople and the Town Attorney and then to the Tax Assessors Office. About this item assessment on part of the Assessor being state owned land and not allow, (in my opinion) was no basis for tax exemption to the Bernstein brothers in the court decision. If corporations operate in this state can be taxed for the interest they have in government owned land, then why not the Bernstein brothers? Thank you."

Supervisor Janoski, "Thank you Steve. Is there anyone else present who wishes to address the Town Board on any matter that's on the agenda? Any of the resolutions that are pending tonight? Well then, let us take up the resolutions."

Supervisor Janoski, "Let the record show that the hour of 7:45 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall on Tuesday, October 4, 1988 at 7:45 p.m. to hear all interested persons who wish to be heard regarding: Amendment to Section 108-59A and 59B, entitled "Swimming Pools."

Supervisor Janoski, "This is in furtherance of a public hearing that was held at the previous Town Board meeting. It provides that fences shall be at least four feet in height with a maximum vertical clearance to grade of two inches. The finished side of the fencing shall face away from the pool. Where picket type fence is provided, horizontal openings between pickets shall not exceed three and one half inches. Where a chain link fence is provided, the openings between links shall not exceed two and two thirds inches. Enclosures shall be constructed so as not to provide footholes. Pickets and chain link twists shall extend to above the upper horizontal bar. Such enclosures shall have railings and posts within the enclosure which will be capable of resisting a minimum lateral load of 150 pounds applied midway between posts and at the top of the post respectfully. The enclosure fence material or fabric shall be capable of withstanding a concentrated lateral load of 50 pounds applied anywhere between supports on an area of 12 inches square without failure or permanent deformation. A building wall may be used as part of such enclosure. All gates or doors through such enclosures shall be equipped with a self-closing, self-latching device at least 40 inches above the surface immediately adjacent to the outside of the enclosure for keeping the gate or door securely closed at all times when the owner or occupant of the premises is not present. Windows in the building wall shall have a latching device at least 40 inches above the floor. Pools less than 18 inches deep are exempt from the requirements of the provisions. Would anyone like to address the Board? Yes sir."

Bill Rowe, Baiting Hollow, "I'm curious as to the 47 inch exemption that was at the last hearing. Now it's changed to 18 inches."

Supervisor Janoski, "The depth of the pool?"

Bill Rowe, "The height of the pool, the pool wall. In other words, the intent of that change the last time was to allow above ground pools be put in without fences by using a 47 inch measurement and now we're down to 18."

Supervisor Janoski, "This, as it says, in furtherance of that public hearing. It is not addressed in this particular public hearing. Did you comment on it at the last public hearing?"

Bill Rowe, "Yes."

Supervisor Janoski, "So that's on the record and that will be part of the information provided as we deliberate on this."

Bill Rowe, "Ok. But just this part B restriction has been changed from 47 to 18. So does that eliminate that 47 inch situation on the last one."

Supervisor Janoski, "This is the depth of the pool. An 18 inch pool and it use to be 24 inches, an 18 inch pool and that is depth, would be exempt. This is a proposal. It is not something that we are going to enact tonight and that's why we're holding a public hearing to receive that kind of comment."

Bill Rowe, "I understand that. But I'm still confused as to why it's different from the last time when it was 47 inches as the part B change. Is this something totally different from that because part A seems to be the same as the last time?"

Supervisor Janoski, "I would have to take a look at that particular published public hearing to see what part B referred to. This quite clearly is referring to 18 inches and exempting such a pool."

Bill Rowe, "Well, if I may just say that I'm still in favor of the change of the last published proposal in part B to change it to 47 inches that you don't have to have a fence. Whatever this one means, I'm not sure. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Board on this subject? Steve."

Steve Haizlip, "May I inquire as to what the material you said you want to put on the fence that doesn't constitute a permanent deformation?"

Supervisor Janoski, "The material of which the fence is constructed."

Steve Haizlip, "Is it wood or metal?"

Supervisor Janoski, "I will read it again. That the enclosure fence material or fabric shall be capable of withstanding the concentrated lateral load of 50 pounds and that it could withstand an area of 12 inches square without permanent deformation."

Steve Haizlip, "A permanent deformation is something being bent out of place and then it popping back."

Supervisor Janoski, "No that's not permanent deformation."

Steve Haizlip, "Well sheet metal and so forth, I know if you give it a good blow or it gets damaged, it will never come back to its original form. The only reason I'm questioning this is because if this gets in as law and somebody comes around and they've got a piece of sheet metal with a little buckle in there,

PUBLIC HEARING, Continued

Steve Haizlip, Continued

then they're also going to say you've got some deformation in there. It's not supposed to be there. It's supposed to pop back out. That's all I'm trying to clear up Joe."

Supervisor Janoski, "Is there anyone else who wishes to address the Board? Henry."

Henry Pfeiffer, Wading River, "At the risk of being stupid, this refers only to outdoor pools. Is that specified?"

Councilman Boschetti, "Excuse me Henry. I didn't hear that. What was that?"

Henry Pfeiffer, "I was wondering if this was referring only to outdoor pools."

Supervisor Janoski, "Yes."

Perry Conklin, Aquebogue, "I've got a couple of questions on this. On a double door gate; if one of them has a dead bolt in it, do both of them have to be spring loaded or just the one you use? You take it if you're going to bring a picnic table in, you need a double door. Now one of them is 99% of the time dead bolted. Has that got to be spring loaded also?"

Supervisor Janoski, "I really couldn't answer that question. That is a question for those construction people in the Building Department. Let me just say that this is an attempt to bring the Town Code in conformance with the State Code."

Perry Conklin, "Yes, I'm completely in favor of a fence."

Supervisor Janoski, "As to whether if you have a gate that's open like that, I would guess and that's all it would be is a guess, that both of them would have to be secured."

Perry Conklin, "The other thing is when you say a twist in the top of a chain link fence, do you mean a spike sticking up or do you mean a twist?"

Supervisor Janoski, "That twist that you see on the top of a fence."

Perry Conklin, "On a four foot fence if somebody leans on this thing and they're talking to my neighbor and they cut their hands. Is the town going to pay for it or am I going to pay for it?"

Supervisor Janoski, "I don't think it requires a twist. Let me see here. Pickets and chain link twists shall extend to above the upper horizontal bar. I don't see that it requires a twist on top but if you do have them, they don't want that twist to be below that horizontal bar."

PUBLIC HEARING, Continued

Perry Conklin, "What I'm getting at is that twist; does it mean that it's going to bend over or does it mean that straight up twist that's sharp?"

Supervisor Janoski, "It means the straight up twist that I guess is sharp."

Perry Conklin, "Well, I'm against that personally because on a four foot fence somebody leaning talking to you, your neighbor, you could get cut on it very easily. Of course we don't play climbing fences. A person that's going to climb a fence isn't the one that's invited anyhow."

Supervisor Janoski, "The language is pickets and chain link twists shall extend above the horizontal bar. I don't see the requirement that you have twists. But if you have them, they should not end underneath that horizontal bar. Joe."

Joe Sykora, Riverhead, "I'm going to make the statement I made at the other public hearing. I'm still against the chain link fence because any two year old child can climb a chain link fence because I know my son did when he was two years old."

Supervisor Janoski, "Thank you Joe. Is there any other comment on the suggestions concerning swimming pools? That being the case and without objection, I declare the hearing to be closed. Let the record show that the hour of 7:56 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

7:45 PUBLIC HEARING CLOSED AT 7:56

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, October 4, 1988 at 7:55 p.m. to hear all interested persons who wish to be heard regarding: The Change of Zone application of Garal Realty in Calverton from Ind. A to Res. A, B, or C.

Supervisor Janoski, "Thank you. This afternoon we discovered a technical flaw in the notice which appeared in the official paper of the town. The map which was published was this one and it depicts this as being the property which is subject of the public hearing. Well, it happens to be this one and you can see that they are similiarly shaped. And depending on how you approach the map, that's how the mistake was made. Now, we are going to have to republish and notice this public hearing. I do know that people have come this evening for the purpose of addressing the Board on the matter. So I would allow Peter to make your presentation and anyone who wishes to address the Board on the change of zone application, to do so and that will become part of the record of this Town Board meeting."

PUBLIC HEARING, Continued

Pete Danowski, Attorney, "For Garal Realty. I've talked this evening by telephone from my office with several people who called me and I indicated to them and perhaps to others that may be here, that I will show the neighbors what I have in my file to discuss with them in detail and prepare them for the next public hearing should they wish to attend. Garal Realty came to Riverhead Town several years ago, now and filed an application with the Riverhead Town Planning Board. The property is located in Calverton. It is referred to by some of you who know the property as the Kobylenski Farm. There is a house and some barns on the road frontage on Route 25. It's located approximately across from Peconic Lane which is sort of an unimproved public road that we always see on maps that I always recognize by slowing down when I get near Milligan's Gas Station. The parcel is in the industrial zone. It's been in the industrial zone for a long period of time. The developer came into the Planning Board with his surveyor and showed a sketch plan as required to develop the parcel for industrial uses. The Planning Board went through a two-year stage of requiring amendments to applications and making suggestions. Part of the suggestion process was a report from the Planning Staff which included outside consultants, basically Mr. Johnson and Mr. Bruins report which notified the Planning Board that this was a relatively flat piece of property. It was existing farmland. There was a L.I.L.C.O. high tension line in the back of the parcel. And noting that there were no wetland sites, there was some depression areas. And suggesting that this was an Unlisted Action but asking that the Planning Board consider that the developer do something different than an industrial plan. The industrial plan from the developer's point of view, would have, if built, added to the tax base of the town. Obviously it wouldn't have supplied additional children in to the school system. And from a tax viewpoint from the town father's viewpoint, I would think would be a benefit to the town. Obviously it would have to go through site plan review to make sure the architecture met with approval of the town; landscape it as well, buffer areas off and make it an attractive development. Some two years into the process however, the town, in its wisdom saw fit to hire consultants and proceed along a master revision process for the town in general. That included this area. Those recommendations of revision have not yet been voted upon by this Town Board. But the Planning Board in their wisdom, have passed recent fact finding resolutions and they have basically said to the owners of property in the town that here's what we're suggesting you do with your property. And should we proceed along with an industrial plan, we're going to be faced with, even though there's not wetland on site, even though this is a flat piece of property, you're going to go through a positive declaration and environmental impact statements and studies and the handwriting is on the wall to this attorney representing the applicant. We say, and there aren't that many clients that say to me, we'll do whatever the town wants. The town meaning the comment to myself as the attorney for the applicant and the various Planning Board meetings. They have said to the client, do residences and don't do industrial use projects. We go back to our surveyor, spend the time and money and they then say to us; but when you're doing this planning even though you're in a one acre zone, maybe you shouldn't do a one acre yield. Meaning maybe you should build less houses than that. Of course you're going to have to cluster these houses too. We don't want you to

Pete Danowski, Continued

build them on two acre lots for example. We want you to cluster them down to one. What that does from a planning concept is it creates some open space and basically the thought process from planning staff and planning review has been; create some open space back near the high tension wires on this parcel, create some open space toward the front of Route 25, stay away from some depressions and create some natural drainage swells. Although I think Mr. Bloss has indicated he'd rather have conventional drainage systems. Mr. Bartunek from the C.A.C. has been through the parcel and made his written comments. We've adjusted the plan consistent with his comments. That all said and done, the town, on their own, has not rezoned the property and has not called a public hearing to rezone the property. I'm stuck with some ideas from the Planning Staff and the Planning Board that my client has been willing to do. The thought process has been, this will be an expedited procedure if we do everything the Planning Staff and the Planning Board wants. That hasn't been the result. We're here tonight and the public hearing as Mr. Janoski has just mentioned, apparently the advertisements was incorrect. So we'll be back again. But the thought process was now to do a cluster land subdivision on the 76 acre parcel providing 38 lots on the 76 acres. This would have to be something that would be approved by the Planning Board, not by this Town Board, if the Town Board after the public hearing places the residential in place of the industrial zone. Now the technical wording of the petition that we presented to this Board that resulted in the proposed public hearing is changes to one of two different residential districts or tie us in to an agricultural district which is the contiguous district to the rear of the parcel. And anyone of the current districts would allow for the establishments of residences. Choice; the applicant doesn't care about as long as we're allowed to build the plan we're suggesting. What we've agreed to do is 38 lots on the 76 acres. We've agreed to do a cluster. And the question for this Board and the public; is the town better off with a residential zone or are the better off with an industrial zone? The actual detail of the subdivision map won't be determined by this Board and is not the purpose of this public hearing. It will be determined later on with the Planning Board. I've had one or two phone calls from people whom I don't know. They have asked me, at least one of them have, I've got a parcel on 25 in Calverton. It's of no value as a residence and it's of some good value as good commercial space and I don't want to see all of Calverton and certainly the Route 25 parcels converted into residential use. So I've at least got one person's opinion with regards to their parcel of property; if other than this parcel you were to expand that idea and take away the industrial uses and that, I believe is the suggestion by the Planning Staff, west of Edwards Avenue, that there will be certain people who will really get devalued with regards to their parcel. This particular application does not have any effect on anybody's property other than my client's and obviously the contiguous property owners who may border alongside. I know Mr. and Mrs. Novak are bordering with a horsefarm to one side. There's going to be a buffer area created along the side of the residential subdivision should that be what the town wants. Again, those issues

PUBLIC HEARING, ContinuedPete Danowski, Continued

as to location of lots and drainage areas and roads will be a subject before the Planning Board and not necessarily before this Town Board. The real question for the public hearing is; do you want an industrial zone or do you want a residential zone. And that being said after I step down, I'll meet with anybody in the audience outside, show them whatever, answer any questions I can and be back for a new public hearing. But the report that has come through the Planning Board from the Planning Staff has stated quite clearly that that agency in this town does not want to see industrial uses in Calverton on this site. I think I'm correct in saying they don't want to see it west of Edwards Avenue."

Supervisor Janoski, "Thank you Peter. As it has been pointed out, this is not the public hearing. We will have to notice, renotice and publish the public hearing and there will be a public hearing at some date in the future. Unfortunately, by the time we found out this afternoon, it was too late to get the notice in the newspaper. So that we will not be setting that public hearing this evening. But if anyone wants to speak."

Bob Novak, Calverton, "I have the piece of property directly to the east of the Garal property and we're opposed to the rezoning of this piece the way, at least, it's presented at this point. And I have a number of concerns which I'd like to relate to the Board. First of all, I'm a little bit unaware of exactly how they intend to cut this property up. I asked Mr. Danowski's office to provide us with a set of plans but he was unable to do so since Friday and he asked me to come into his office or come into the town but I didn't have the time during the day to do so. But I think the use is probably going to have a negative impact on the horse farm specifically mine and also we have a bird farm there. And my neighbor to the east of me and behind me, Graciano which is the piece that was highlighted in there, he also has horses. And we have some concerns on the noise of construction which would happen down the road on this site. How it will effect the setbacks with future changes or additions on our properties. In other words, if we wanted to put up, in the future, a barn and there was a house 50 foot setback on the opposite side, they could object to the barn being built on our property perhaps in the future. We're concerned about ponding and recharge basins. This ponding brings mosquitoes which are detrimental to horses disease wise. I think the idea of a cluster development is fine. And if that was the case, I think we could live with it but not the kind of clusters I think, and again, I didn't see the plans, are being proposed here. Clusters, in my mind, are very tight clusters also like condominiums. I don't know. I didn't see the plans but we'd like to see that. And we don't understand why they're asking for residence A, B, or C. Why can't they be specific on what residence zoning they want? Because A, B and C is a pretty broad group of uses. There's also a question with the safety of development of such as this. Thirty-eight houses would probably produce about 200 people and children living on the site. What happens if one of these kids jump over the fences into the paddocks and gets trampled by a horse? We need some protection afforded to us on the boundary line such as a double fence, a keepsake fence which would be conducive for horses and kids, pets and what not. Buffer zones need to

PUBLIC HEARING, Continued

Bob Novak, Continued

be addressed. You know when we originally purchased the farm, we tried to get out of the city, get out of the asphalt jungle and coming out here we don't want to be looking in somebody's backyard from our farm. And we want to know what the setbacks are going to be."

Supervisor Janoski, "They're already stated in law."

Bob Novak, "Pardon me."

Supervisor Janoski, "They're already stated in law. The code provides for setbacks and what has to be met."

Bob Novak, "Well, in other words, if the property was cut up in such a way that these parcels would be bordering, in my particular case, right along that side. I mean, I could have sheds five feet off the line, storage sheds."

Supervisor Janoski, "I don't think so."

Bob Novak, "For accessory use buildings, those little sheds, five feet off the line."

Councilman Pike, "You could or they could?"

Bob Novak, "They could. No. Ok. Well, it's a question."

Supervisor Janoski, "Could I ask, are you suggesting that the town retain the industrial zone there?"

Bob Novak, "No. I prefer the residence over the industrial. Ok. All I'm suggesting is that I'd like to see the plan. I mean that is what I'd like to see. Where are these clusters going to be? What is a cluster? I don't really know."

Supervisor Janoski, "I'm sure Peter can help you with that."

Bob Novak, "We'd like something along the lines that the purchases of these proposed houses have something in their deed that they can't complain about us being there. Because we've read many cases where people have been in dog kennel business for 35/50 years and they get thrown out by people that came in after them. I think they should relinquish their rights to nuisances and there should be something, a covenant or something, in their deeds. There are a lot of specific issues that need to be addressed on this. And I think it does produce a negative impact. And what we're requesting is a draft environmental impact statement."

Supervisor Janoski, "Thank you. Is there anyone else present? Yes sir."

Bob Pekar, Calverton, "This is now zoned industrial A. That is correct. And to use Mr. Danowski's term, someone or somebody or the bodies within this town in their infinite wisdom, have decided that the residential zoning would be preferred or this has been indicated anyway. Where do we stop as far as residential and where do we start looking at this town and how we're going to develop it and how we're going to support the tax base? Every time you turn around, there is 50, 60, 300, 500 units going up. There is enough residential land in this town. Every time you take a drive around this town, land that has been zoned industrial is being built on by residences. How is this town going to do anything for the future if we're going to dot it with clusters, parks, setbacks for beauty and what no and do nothing about developing some kind of an industrial base? It's getting to be ludicrous. I've lived in Calverton now for 25 years. For 25 years I've lived on industrial land. I would hate to have somebody come and say the land around me is going to be rezoned for residents. Where is the wisdom of this Board, of our Planning Boards, that every time we turn around that all we know is residence? Has anybody schooled anyone in here of what it costs to educate one child? One child, one child in one home does not support the tax base. What are we going to do? I've heard nothing from this Town Board. I've heard no proposals from this Town Board about doing something to bring industry in, light industry, whatever. The only thing I hear from you people is approvals on new residences. And I think it's about time you took a strong look at where this town stands and where we're heading and what we're going to do. The people in this town aren't building all these homes. We're becoming a bedroom community for Hauppauge, for Melville. It's quite easy for them now to drive 35 or 40 miles on the Expressway and live in Riverhead while they work there where the tax base is built up where somebody used a little bit of foresight and did something about planning. We can't afford to be a bedroom community for the rest of Long Island. I implore the Board to do something to help this town. If you don't you are going to drive the people out of it. Thank you."

Supervisor Janoski, "Thank you Mr. Pekar. Yes."

Florence Sykora, Riverhead, "I agree wholeheartedly with the gentleman that was just up here. We are changing everything towards residential. It's about time we thought about industry. We need it very very badly for tax purposes here. If we don't, our children are migrating out of this town already because they have no future to look forward to here. And I think it's about time you people started to think about doing something about it. And also the Planning Board. I was just up in Connecticut and I was talking to somebody that's in the real estate business. Three hundred thousand dollar homes, do you know what taxes their paying on it? Fifteen hundred dollars. Would you pay that down here on a four hundred thousand dollar or a three hundred thousand dollar home? No way. Because they have industry and we seen it. We seen these small industrial parks that they have around the area and they're doing very well by it. That's their tax basis and this is what we need very badly. So I agree very much with that gentleman that was just up here. You better start looking into it. We need it very badly. Thank you."

Supervisor Janoski, "Thank you. Steve."

PUBLIC HEARING, Continued

Steve Haizlip, Calverton, "This gentleman that just spoke, I forget his name and Florence. And along with what Mr. Danowski said, do we want residential or do we want industrial. My way of thinking; if that Main Road corridor, 25, should not be made residential on the corridor. That means so far back. And if it has to go back an acre, whatever it has to be for businesses to come along there because it's a very busy road and a lot of traffic is on it. And if you go and put all houses right up on it, then it's not going to be any road for any type of business in the community. And speaking of industrial, I noticed that we started out right in my backyard for a special permit which was industrial and now all of a sudden then want to change to residential. Thank you very much."

Supervisor Janoski, "Thank you Steve. Bill."

Bill Nohejl, Aquebogue, "What I'm concerned about is why does a certain group of people have the authority to say where the property is already zoned industrial, deny a man the right to develop it industrial? Why do they have the right to say no, we are going to look further and maybe it should be residential without it going through the due process of changing the zone before denying a person the right to do whatever he wants on his property? If it's zoned industrial and he has a plan that meets industrial specifications, why shouldn't he be allowed to do it? I can't see the Planning Board or an advisory group to the Planning Board dictating what should be done to that property otherwise what it is zoned for. Thank you."

Supervisor Janoski, "This is a rare evening. I haven't heard many people stand up to this microphone in I don't know how many years, and speak in favor of the right to use your property, the need for industrial growth or business growth in the community. It's kind of nice. Does anyone else want to address the Board on this particular issue? That being the case and without objection, I declare the hearing to be closed."

7:55 PUBLIC HEARING CLOSED AT 8:22

Supervisor Janoski, "Sir, you asked to be recognized for a few minutes, Mr. DePaoli."

Mike DePaoli, Dem. Candidate to Legis., "I am pleased to have been the democratic candidate for State Senate for the second Senatorial District. It's been one of my fortunes to go ahead and make recommendations to the Suffolk County Executive and also to the Suffolk County Legislature and also to the ten towns and Supervisors and Councilmembers within Suffolk County. My proposal reads as follows: Suggestions for curbside street numbering. All residential single, multi-family and condominium housing units throughout the areas of Suffolk County. In order to provide and protect the more than 1.3 million residents of Suffolk County, in this case, the residents of Riverhead, with the services supplied by volunteer fire departments, emergency medical transportation units, ambulances, police departments and post offices, it is hereby recommended that you institute a plan of action which will mandate curbside street numbering for all residential single, multi-family and condominium

PERSONAL APPEARANCES, ContinuedMike Depaoli, Continued

housing units. As a public official, it is your duty and responsibility to safeguard the general welfare of the constituency which you were elected to serve. Accordingly, I ask your assistance as a conscientious representative of the public to review the merits and cost factors associated with this proposal; hold public hearings to substantiate community support, take necessary steps of action to implement curbside street numbering. Your support of this proposal will be very beneficial to all residents and providers of services throughout the Riverhead area. Just think of the saving of lives and reductions of property losses when police, fire and emergency medical units are able to respond more quickly and accurately to emergency situations be it day or night. I think this is a pretty non-partisan issue and I would suggest that you consider this because there is a detrimental loss to life and jeopardy of individuals having a heartache seizure, of fires taking place in the course of the day or evening where people can't respond accordingly because of a misnumbering of a house or a misnumbering of an apartment unit."

Supervisor Janoski, "Am I so delighted to tell you that we are in the midst of a numbering of the Town of Riverhead just to address those particular situations."

Mike DePaoli, "Will it be on curbside use?"

Supervisor Janoski, "Well, I just went through a list today of do's and don't's as far as house numbering. And I believe it addresses those questions. Who is this? Is it Senator Lechs?"

Mike DePaolo, "Yes."

Supervisor Janoski, "You're way out of your district."

Mike DePaoli, "I understand that but the suggestion was generic basically for Suffolk County and I think it has to do with any public officials that cares about its constituency. I thank the Board."

Supervisor Jansoki, "Thank you. Mr. Kasperovich."

William Kasperovich, Wading River, "From your tone of voice I don't know if you're recognizing me."

Supervisor Janoski, "Well quite honestly I was wondering if you were asleep or what because we haven't heard from you."

William Kasperovich, "No I only have one resting place in Riverhead to sleep and that's going to be six feet below the surface. Until such time, I will try to do good to my neighbors and fellow residents of Riverhead. For the record, my name is William Kasperovich. I live in Wading River. I would like to ask the Town Board about resolution 648. As much as I make my presence known here, I don't seem to catch everything that goes by. And having seen this sign on the road, there is going to be built a five-story building. I have been alert to see where is five stories is going

PERSONAL APPEARANCES, Continued

William Kasperovich, Continued

to come to pass. Now, I see in this resolution five story appear but the wordage is very confusing. You're deleting the maximum height unless otherwise specified shall be two stories or 35 feet. And you're adding; the maximum height unless otherwise specified shall be five stories or 50 feet for those buildings greater than 35 feet in height, the resulting floor shall not exceed that achievable at a 35 foot height. I've read that over and over a dozen times this evening and I still can't make sense out of it. The introduction of stories and heights, we have a minimum that is held by code in the state for certain types of occupancies. But how you're going to get five stories in 35 feet, unless you build a flat roof. Now, the last sentence; for those buildings greater. Does this mean existing buildings or buildings...? The resulting floor and that's singular. If 35 feet in height and you're adding one floor, it doesn't come to 50 feet. This confusion of height has plagued us for decades. And I think the introduction of these two sentences will continue to create confusion. Again, is there a misprint here by any chance?"

Supervisor Janoski, "No. But if you would like, I would try to explain what is being done here. Would you like me to explain it Bill?"

William Kasperovich, "Well, for the people of Riverhead, I think they would read this and be just as confused."

Supervisor Janoski, "Ok. In section A of the amendment provides that buildings are allowed to be built five stories or 50 feet is the maximum. Now one of the things that we were afraid of is that with regard to lot coverage, we set for example, 15% as the total lot coverage. That is on the first floor. And what we wanted to ensure was that we didn't create a law that allowed for additional square footage to be built into a five-story building that could not be built into a 35 foot height building. In other words, when you build a building, it is the 15% lot coverage footprint which is addressed. Now that we are allowing 50 feet, obviously if we didn't not put this caviat in there, the developer would be allowed to build far in addition, probably double the square footage of the building. What we are doing by that provision is to make sure that the square footage maximum does not exceed that which is presently allowed under the current provisions. What we are recognizing is that these lots are small and that under the current code, it would be impossible to build a building to meet the provisions of the code including the parking which is required. There's no bonus in square footage in the five stories. You get exactly the same square footage as you were previously allowed. It makes sense to me."

William Kasperovich, "Well, then you're missing a word area in the last sentence and you're using the singular floor instead of the plural because you don't do it on the second floor and you can go ahead and do it on the third floor."

Supervisor Janoski, "Well, maybe ratio should have stayed in there."

PERSONAL APPEARANCES, Continued

William Kasperovich, "We also have in these type conditions, a practice that has taken place all over the United States in that the owner can make arrangements to accommodate the public at ground level such that they can expand horizontally at the upper levels. You're shaking your head. Has it gone past you or you just don't agree?"

Supervisor Janoski, "I may agree. I don't understand. How can you expand horizontally at the upper level?"

William Kasperovich, "In other words, you could extend the sidewalk under the building at sidewalk level and build above which you then get the owner, dedicates public rights on his property. This is done in tight quarters but as I say; the word area should be in there and the resulting floors if you're talking about five stories. I do believe the wordage has to be clarified there so that we don't get into this thing or problem as we do with the two stories and 35 foot."

Supervisor Janoski, "Well, actually you're right in the review of this resolution. We did remove a word and the word was ratio which was used twice in that sentence and we agreed that perhaps the area used twice would make the provision clearer and I expect that someone will move an amendment as we consider this resolution."

William Kasperovich, "Ok. Now if I may just talk outside of the resolutions for a moment please. It seems that every year when I pay attention, I have to come and badger people and bring it to the public attention. And if I don't do it, it doesn't get done. Now, we put up snow fences supposedly or hopefully before the snow comes but we don't do highway painting before the temperature comes that we can't paint. And the highway painting, I keep harping on are the stops signs on the pavement where a vehicle must come to a full stop wherever that line is. Now, this is to enable the man, the driver in the car to have the best view possible and also that the car is position so that cross traffic can get some glimpse or sight of the car that comes to a stop. Now, the way we put these lines down in this town, it doesn't last long. If we miss it in the cold weather, we go all winter until the following summer without definite clear markings. And I just get somewhat annoyed with myself that I have to come up and preach on the same topic year after year after year. We have enough accidents in Riverhead, automobile, vehicular accidents. But we don't go to the maximum preventive concern. Now if we don't want to improve on the quality of the markings, then we have to improve on the frequency of repainting. And you people drive at these intersections daily and you people see this kind of thing everyday. You don't pay any attention to it. Why it haunts me, I don't know. But I think it's something we can't avoid paying attention to and I hope that this will be the last year that I have to emphasize the need for this. Thank you."

Supervisor Janoski, "Thank you Bill. Let's do resolution."

Resolutions #634-#653 found on pages 1159-1209 of the
1988 Resolution Book.

#634 AMEND RESOLUTION #705 OF JULY 21, 1988 OF ROBERT ENTENMANN.

Councilman Boschetti, "Discussion. Mr. Chairman, can we get or be provided with a copy of resolution 705 of July 21, 1987? Inasmuch as this resolution was a late one, we did not have an opportunity to go over it to see exactly what the changes are."

Supervisor Janoski, "Allen, are you looking to be recognized? Does that mean yes?"

Allen Smith, Attorney, "If Mrs. Pendzick will lend me her keys, I will in fact go get that resolution and you can pass on it until I bring it to you. While I'm doing that I would say, the technical amendments here are renumbering of the tax map numbers that show on this type of a map, the legends for the architects certification, the recording of the covenants and restrictions and things of that nature. There are no substantive changes whatsoever in this particular resolution. And with that, I'll go get the resolution."

Councilman Pike, Allen, just a couple of questions. You have your building permits for every building on the site?"

Allen Smith, "I believe they've taken down half the building permits. The permits have in fact been issued."

Councilman Pike, "And so you're through site plan review, architectural review all with the permits?"

Allen Smith, "We have brought before you all your elevations, all your architectural, all you site plan layouts and detailed including drainage and none of that changes."

Councilman Pike, "It talks about in the last paragraph, subject to the state building code and the architectural drawings and the engineering drawings. Is any of that changing?"

Allen Smith, "Not at all. The reason, it continues to be subject to those particular provisions. They have building permits at this particular point in time and they must in fact comply with those rules and regulations when they apply for their certificates of occupancy subsequently."

Councilman Pike, "So basically they're saying that nothing is changed."

Allen Smith, "The things that did change are the nomenclature on the map that map with the tax map numbers and the like."

Councilman Pike, "The reason the tax map numbers changed?"

Allen Smith, "That is some little knome across the river in Real Property Tax Services to answer. I do know they changed. I do know we updated to show the filings of the covenants and restrictions and that we do in fact have the architect's certifications and some of these other things on this map."

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RESOLUTIONS, Continued

Councilman Pike, "The point being, it is the same piece of property."

Allen Smith, "It is exactly the same piece of property, exactly the same number of buildings, etc."

Supervisor Janoski, "This resolution is for clarification, was on the agenda for discussion yesterday."

Councilman Boschetti, "It was not. It was handed to me this afternoon and it replaced what is not 648."

Supervisor Janoski, "What was 648?"

Councilman Boschetti, "634."

Councilwoman Civiletti, "We didn't have a 648 yesterday."

Allen Smith, "I'll go get that resolution."

Supervisor Janoski, "We'll pass over that one and proceed with number 635."

#636 EXTENSION OF TIME FOR REVIEW OF DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY LONG LAKE COGENERATION CORPORATION.

Councilman Boschetti, "What we're doing here is we are taking an additional thirty days to review the draft environmental impact statement that was submitted by Long Lake. Under the current provisions, our time to review that document would expire on October 8th. We feel it's insufficient to review that document properly. So we're taking an additional thirty days and this resolution does that."

Prior to reading of resolution #640

Supervisor Janoski, "You don't get discussion. You're not a member of the Board. But if you're asking to be recognized, I'd be happy to do that. Say what you've got to say. I'm not going to be accused of denying anyone the right to speak."

Sherry Johnson, Manorville, "I wish to be recognized on that resolution. You stated that it's an Unlisted Action for Village Square. That would be wrong because it's contiguous to a critical environmental area which makes an Unlisted Action...."

Councilman Lombardi, "It says considered an Unlisted Action with insufficient impact, that the environmental impact statement shall be prepared. Resolution 273 April 19, 1988." (read remainder of resolution #640.

RESOLUTIONS, Continued

Sherry Johnson, "So you're upholding the determination of significance but it still technically the wording is wrong. It is substantial contiguous to a critical environmental area. It would have to be a Type I Action on an Unlisted Action."

Councilwoman Civiletti, "It was a previous designation."

Councilman Pike, "It's not one of our C.E.A.'s. It's the County Pine Barrens."

Sherry Johnson, "That doesn't make any difference. It's listed under the state environmental..."

Councilman Pike, "All this is a distinction without a difference. If we Pos. Dec., it isn't. Let's get on with it."

Sherry Johnson, "Ok. Thank you."

#642 SUPPORTS APPLICATION TO NYS DEC FOR FUNDING AND PARTICIPATION IN THE "RESOURCE, REUSE AND RECOVERY PROGRAM.

Councilman Pike, "We are moving forward and proceeding with a program called Resource, Reuse and Recovery. This will enable us to approach recycling other diversions of the waste-stream being considered on a multi-town basis with other East End towns. We're committing to participate in that program."

Councilman Boschetti, "I will second with a question. This is not to exceed \$20,000. Is that correct."

Councilman Pike, "We're limited to that without coming back to the Board."

#643 AUTHORIZES SUPERVISOR TO EXECUTE CONTRACT FOR SERVICES TO THE RIVERHEAD SEWER DISTRICT WITH CORNELL UNIVERSITY.

(Supervisor Janoski voted no)

Councilman Boschetti, "No?"

Councilman Pike, "I move to amend that the resolution require the Supervisor to sign it. And if he doesn't within three days, then somebody else, John Lombardi will sign it."

Councilman Lombardi, "Seconded."

Supervisor Janoski, "I don't think you can do that."

Councilman Boschetti, "Is that a motion from the floor."

Supervisor Janoski, "It is an improper resolution. The Town Board can delegate the authority of the Supervisor to a Councilperson. You can put in the requirement though."

RESOLUTIONS, Continued

Councilman Pike, "Are you going to sign it?"

Supervisor Janoski, "I don't know."

Councilwoman Civiletti, "I'll second your resolution Pike."

Councilman Boschetti, "Is this a resolution on the floor?
Are you making a resolution Rob?"

Supervisor Janoski, "He's amending the resolution."

Councilman Pike, "To require the Supervisor to sign the contract."

Councilwoman Civiletti, "And I second it. So that it will read authorizing and requiring."

Resolution 643A "Amends Resolution #643"

(vote on 643A: Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, abstain)

Supervisor Janoski, "Bill, the time for conversation is calming down. Is there something pertinent. Once again I'm not going to be accused of denying a person an opportunity to speak."

William Kasperovich, "Perhaps the Supervisor would instruct the Councilmen...." (speaking from the audience)

Supervisor Janoski, "You have to come up to the microphone."

William Kasperovich, "I would ask Mr. Supervisor, that you instruct the Councilmen to specifically state the amount of money that the resolution is spending. Now, Councilwoman Civiletti just blew some thirty odd thousand dollars and not telling anybody about it and everybody is going along with it. Now to abbreviate the resolutions as it is, but certainly you should not leave out the money that you spend, that you authorize. And I think that is a point of order in place and should be. When you make a resolution that spends money, you should spell out the amount that is being spent. Thank you."

Councilwoman Civiletti, "I object. It's actually almost 55 thousand dollars and I think it's going to be among the best 55 thousand dollars that we spent."

William Kasperovich, "That remains to be seen."

Supervisor Janoski, "Ok. Number 644."

#648 ADOPTS AMENDMENT TO SECTIONS 108-142 THROUGH 108-145 OF THE TOWN CODE.

RESOLUTIONS, Continued

Councilwoman Civiletti, "I don't want to run afoul of any points of order. Can I just insert the word area after resulting?"

Supervisor Janoski, "Yes consider it changed."

Councilwoman Civiletti, "The maximum height unless otherwise specified, shall be five stories or 50 feet where those buildings greater than 35 feet in height, the resolving floor area shall not exceed that floor area achievable at a 35 foot height. There are various other and less controversial changes made including certain setbacks and certain built in relief for pre-existing smaller than required lots. The parking requirements are being changed from one per three hundred feet for non-medical offices to one per two hundred square feet. And on the retail and service uses, from one per two hundred and fifty square feet to one per two hundred square feet."

Councilman Boschetti, "I'm moving to amend section 108-144, paragraph E which was just read so that it reads three stories or 35 foot height. That's my amendment."

Councilman Lombardi, "Seconded."

(vote on the Councilman Boschetti's amendment)

Boschetti, yes, Pike, no, Civiletti, no, Lombardi, yes, Janoski, no.

The amendment was thereupon duly declared DENIED.

Resolution #648 was duly declared adopted.

Councilman Pike, "Mr. Supervisor, if I might just... There has been a lot of confusion about this one and I would like there to be a little bit less. Why am I opening my mouth here? The fundamental question here is flexibility in planning. This doesn't allow any greater or any larger a building than you can build under the existing 35 foot height. What it does allow is a building that has a smaller footprint and that impedes less with natural features of the site. It allows more flexibility in architecture. It would enable somebody who would otherwise be constrained to build something wide & flat to build something more tall an narrow. It allows more flexibility. What it doesn't do is bypass site plan analysis and it doesn't bypass architectural review. And I think we've made it quite clear among ourselves that what we're expecting out of this flexibility is superior site plans and better architecture. That's it."

Irene Pendzick, "Simply put, if you go up, you get skinner."

Councilman Pike, "If you go up it gets smaller."

Councilman Lombardi, "That presentation we had Monday on that beautiful building at 35 feet, that was one of the best looking buildings that I've seen in a long time and it was on an acre and a quarter. And now you want to go and do it on two acres way up. We're trying to beautify this town and I think we're going at it backwards. Especially with the five story buildings on Route 58."

RESOLUTIONS, Continued

(Resolutions continued with #649)

Resolution #634 which was held pending review of resolution retrieved by Allen Smith.

#634 AMEND RESOLUTION #705 OF JULY 21, 1988 OF ROBERT ENTENMANN FOR A SPECIAL PERMIT.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Councilman Lombardi had advised me earlier this evening that he thought we should place an ad in the newspaper for Town Engineer. I would seek authorization for such an ad."

Councilman Lombardi, "We have to talk about that Joe because I don't think we have the money in the budget for that."

Supervisor Janoski, "There's money in there. Interviewing is not hiring. I am making a motion that the ad be authorized for Town Engineer."

Councilwoman Civiletti, "We discussed this previously many times I think. I just want to say that I think we should advertise in trade journals in addition to the official newspapers."

Councilman Lombardi, "And what type of engineer are we looking for."

Supervisor Janoski, "I just want to get the authorization. We can discuss the ad later."

Councilman Lombardi, "Well we have to find out what type of engineer we're looking for. Are we looking for a civil engineer?"

Supervisor Janoski, "I don't understand why there appears to be an effort to block this thing."

Councilman Lombardi, "Nobody is trying to block it Joe. We are trying to find out what type of engineer. Are we going to be looking at an engineer who is going to be looking at our roads? Then let's state what type we're looking for."

Supervisor Janoski, "A civil engineer. Actually the Civil Service title is Town Engineer. I believe Rob seconded the resolution."

RESOLUTIONS, Continued

Councilman Boschetti, "Before I vote on this, I want to thank the chairman for allowing me some time to go over this additional resolution and Allen for getting the information. And also, while we have discussed the Town Engineer, it was always in conjunction with the Town Engineer versus a Town Planner. And I'm not convinced that this Board ever made a decision to go ahead and hire any Town Engineer. There is no money for it in the budget presently. I'm not sure the Board is going to approve that kind of money in next year's budget. And until I know that, I think that advertising at this point is simply putting the cart before the horse and I vote no."

Councilwoman Civiletti, "I think we desperately need some engineering advice in-house."

Supervisor Janoski, "Don't you like baseball? Yes I see it. Go ahead Bill."

Bill Nohejl, "I know everyone wants to go to see the ballgame tonight. This is the way I like to see a meeting held. No recesses, get to the point and get it over with."

Supervisor Janoski, "Steve, you've got the last word, maybe."


Steve Haizlip, "I want to ask about resolution 631. We appointed a single scale operator and no relief? He's going to work seven days a week?"

Councilman Lombardi, "Five full days and on Saturday it will be eight to one."

Steve Haizlip, "And anybody that operates it then will be under his certification."

Supervisor Janoski, "Obviously, I am over forty years old and with saying that, this meeting is adjourned without objection."

IJP:nm


Irene J. Pendzick
Town Clerk